



# City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning & Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF PLANNING & DEVELOPMENT**

**Application Number:** 2305424  
**Applicant Name:** Dan O'Neill  
**Address of Proposal:** 2920 Fairview Avenue E.

**SUMMARY OF PROPOSED ACTION**

Master Use Permit for future construction of a single family residence. Existing single family residence to be demolished under separate permit.

The following approval is required:

**Administrative Conditional Use** - to allow a single purpose residential structure in a C1-40 zone (Chapter 23.47.004 E, Seattle Municipal Code).

**SEPA DETERMINATION:**      ☒ Exempt   ☐ DNS   ☐ MDNS   ☐ EIS  
   ☐ DNS with conditions  
   ☐ DNS involving non-exempt grading or demolition or  
   involving another agency with jurisdiction

**BACKGROUND DATA**

Site Description

The subject site is located mid-block along Fairview Avenue E. between E. Allison Street and E. Shelby Street. The site is 2,252 square feet in area and is zoned Commercial 1 with a 40 foot height limit (C1-40). Additionally, the site is within an Urban Stable (US) shoreline district and is considered an upland lot.

The topography of the site slopes from the alley towards Lake Union to the west. There is about an eight foot drop. The site is currently vacant with the exception of foundation ruins from the single family home that was removed. A large chestnut tree is located in the middle of the property abutting the alley side.

The alley is developed with gravel. Fairview Avenue E. is not fully developed and includes a 20 foot wide roadway, but no curb, gutter, sidewalk or street trees.

#### Zoning and Development in the Vicinity

The surrounding property to the south and north is zoned C1-40 and developed with single family residences. Property to the west, across Fairview Avenue E. is zoned C1-40 and developed with a boat marina (based on Assessor data). Property to the east, across the alley is zoned Neighborhood Commercial 3 with a 40 foot height limit (NC3-40) and developed with an office use. Other nearby uses includes a public park, restaurant and office building.

#### Current Proposal

The applicant is proposing to construct a new 2,600 square foot single family home with surface parking to be located off the alley. The existing 24 inch chestnut tree is to remain. The Director has provided reasonable accommodation (SMC 23.40.040) for a handicapped property owner in that standards for mixed use buildings that normally apply to single purpose structures will not be required. Specifically, the required 13 foot floor to floor height requirement would create a need for barrier free ramps inside as well as outside the home and multi-stop elevators resulting in an unreasonable hardship for this handicapped individual.

#### Public Comment

No public comment letters were received during the public comment period, which ended October 29, 2003. One comment letter from the Eastlake Community Council in support of the project was received after the official comment period ended.

#### **ANALYSIS - ADMINISTRATIVE CONDITIONAL USE**

Section 23.47.006.A (SMC) provides general conditional use criteria that apply to all conditional use applications. Section 23.47.006 B.4 (SMC) provides specific criteria to be applied to an analysis of an application for single purpose residential uses in a C1 zone. Applicable criteria are stated in italics below, followed by analysis in each instance.

#### Section 23.47.006.A (SMC)

This section of the Code states in part: *all conditional uses shall be subject to the procedures described in Chapter 23.76, and shall meet the following criteria:*

1. *The use shall not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*
2. *In authorizing a conditional use, adverse impacts may be mitigated by imposing any conditions needed to protect other properties in the zone or vicinity and to protect the public interest. The Director shall deny or recommend denial of a conditional use if it is determined that adverse impacts cannot be mitigated satisfactorily.*

The proposed residential use will not be materially detrimental or create adverse impacts in that more intense commercial developments are allowed and contemplated within this zone. The potential impacts and detrimental effects associated with allowing a single purpose residential use in a commercial zone are evaluated under specific Conditional Use criteria below.

Section 23.47.006.B.4 (SMC)

This section of the Code states in part: *in order to conserve the limited amount of commercially zoned land for commercial uses, single-purpose residential structures shall generally not be allowed in commercial zones...where single-purpose residential structures may be permitted as an administrative conditional use, such a permit may be granted only when the following circumstances exist:*

- a. Due to location or parcel size, the proposed site is not suited for commercial development; or*

The parcel size is 2,250 square feet and has a width of 30 feet and depth of 75 feet and is not well suited for commercial development. The frontage dimensions are important to the viability of commercial development and 30 feet is considered a narrow frontage as compared to other developed properties. Letters from the applicant have demonstrated that the leasable footprint at this location would not make commercial development desirable. Topography of the site is less than ideal for commercial vehicle access in that the alley is at a higher grade elevation than the subject site; therefore parking would be above ground and dominate the footprint. Accessing parking from the low side from Fairview Avenue would provide opportunity for below grade parking but the driveway would use most of the 30 feet of frontage. According to the applicant, the core and circulation spaces like stairs and elevators needed in a commercial development comprise a higher ratio of the total footprint producing a small leasable space and thereby decreasing the financial viability of the project.

The location of the parcel on a block that is not predominately developed by commercial development, and not likely to be makes it not well suited for commercial development. The properties fronting on Fairview Avenue E between E. Allison Street and E. Hamlin Street moving from north to south are developed with a single family home; an office building and adjacent surface parking; a single family home; the subject site; a single family home; and a public park. Thirty-five percent (35%) of the block is currently developed with a commercial use. To the south, the existing home has been substantially remodeled and is likely to be retained for the long-term; however the home abutting to the north is ripe for redevelopment or a remodel. At best, about half the block would likely be developed with commercial uses in the future.

The park occupies property on the block to the south, on either side of the E. Shelby Street right of way and the right of way itself, and has 380 feet of street frontage. The zoning transitions to a Lowrise 1 with a Residential Commercial overlay (L-1/RC) south of the park and properties are residential in character. Because of the Park's large frontage, it dominates the character of these two blocks.

The commercial development south and west of the site is generally on the waterfront property and not on the upland lots. The waterfront commercial development west of the subject block is topographically below the existing street and is accessed from E. Hamlin Street. North of E. Hamlin Street on Fairview Avenue E. there is a thriving commercial node on both the waterfront and upland lots.

The large 24 inch chestnut tree as shown on the project drawings would be saved if the property was developed with a residential use. The tree would likely be removed if the property were to be developed with a commercial use.

*b. There is substantial excess supply of land available for commercial use near the proposed site, evidenced by such conditions as a lack of commercial activity in existing commercial structures for a sustained period, commercial structures in disrepair, and vacant or underused commercially zoned land; provided that single-purpose residential development shall not interrupt an established commercial street front. As used in this subsection, an "established commercial street front" may be intersected by streets or alleys, and some lots with no current commercial use.*

The subject block is not considered an established commercial street front in that only 35% of the block is developed with commercial uses. There is substantial supply of land available for commercial use near the proposed site.

#### **DECISION - ADMINISTRATIVE CONDITIONAL USE**

The proposed action is **GRANTED**.

#### **CONDITIONS-ADMINISTRATIVE CONDITIONAL USE**

None.

Signature: (signature on file) Date: March 25, 2004  
Jess E. Harris, AICP, Land Use Planner  
Department of Planning and Development